
Implementation of SB 180 (Ch. 691, 2000)

Summary of Senate Bill 180 (Ch. 691)

Public interest in the results of environmental health evaluations of food facilities is increasing. Senator Byron Sher introduced legislation in 1998 and 1999 that would have required the Department of Health Services (DHS) or local environmental health agencies to post health violations found at restaurants to the Internet. Both of these measures were vetoed by different governors as unnecessary.

The California Restaurant Association (CRA) is a trade association representing thousands of independent and chain restaurants operating in California. They impressed upon Senator Sher that diverse methods of conducting inspections and evaluating food facilities employed by local environmental health agencies would confuse the public and unfairly portray some food facilities when compared side by side with others in other jurisdictions. They pointed out that some jurisdictions require posting of letter grades (using different scales), others use numeric scores, and still others use a "poor - excellent" sliding scale, while others do not compile an overall inspection score.

Therefore, in 2000 the CRA sponsored SB 180 authored by Senator Sher which was passed by the legislature, signed by the governor, and chaptered into law on September 27, 2000. The bill contains several provisions, including the following:

- Defines outdoor beverage bars;
- Mandates that the DHS establish, by January 1, 2002, a "standardized" food facility inspection format that each local health agency must use;¹
- Mandates that DHS and local health agencies conduct training of environmental health specialists in the implementation of the new inspection format;
- Mandates that food facilities must retain a copy of their most recent environmental health inspection report at the food facility;
- Mandates that food facilities must post a notice to advise patrons that the most recent environmental health inspection report is available for review;
- Mandates that DHS establish and publish, by January 1, 2002, specific standardized procedures for publishing on the internet certain information and major violations identified in a food facility inspection by local health agencies;
- Mandates that local health agencies that choose to publish food facility inspection information on the internet use the standardized procedure established by DHS beginning July 1, 2002²;
- Allows for the preparation of alcoholic and non-alcoholic beverages at outdoor beverage bars at food establishments.

¹ The format may be modified by a local agency to add additional criteria to the specified criteria as long as they are violations of the California Uniform Retail Food Facilities Law (CURFFL) and referenced as to Section.

² A local agency may post additional information other than that regulated under CURFFL.

Standardized Inspection Format, Training, and Procedures for Reporting

DHS has begun the process of developing a standardized inspection format incorporating the provisions of SB 180.

Copies of existing inspection reports from many local health agencies have already been collected and are being evaluated to attempt to find a common ground which meets the requirements of SB180 and could form the basis of the standardized inspection format.

The Retail Food Standardization Task Force³ has a subcommittee, which was formed to work on a prototype model inspection form. This committee will participate in the consultation process required by SB180.

Proposed timeline for establishing a standardized inspection format and Internet reporting procedure:

- December 15, 2000 Circulate ideas regarding format and procedures to Interested parties.
- February 28, 2001 Conduct an initial meeting with local environmental health officers, representatives of the retail food industry, and other interested parties,
- July 1, 2001 Finalize format and procedure. Develop training program.
- September 1, 2001 Publish format and procedure
- October 1, 2001 Begin training.

Inspection Report Retention and Notice of Availability

SB 180 adds Section 113946 (c) to CURFFL. This section specifies that a food facility must maintain a copy of the *most recent* inspection report at the food facility. Furthermore, the facility must post a notice advising patrons of the availability of the report. Both of these requirements become effective on January 1, 2001, despite the fact that Section 113946 (a) does not mandate implementation of the standardized inspection format until January 1, 2002.

The dual requirements of maintaining the *most recent* inspection report and making it available for review on January 1, 2001 could result in thousands of food facility operators requesting copies of their last inspection report (pre 2001) from local health agencies. This would be costly for local agencies and facility operators. The author and sponsor of SB 180 did not intend for the requirement to maintain the most recent inspection report at the food facility to apply to inspections performed before January 1, 2001.

³ The Retail Food Standardization Task Force was formed as a partnership between DHS, the California Conference of Directors of Environmental Health, the California Environmental Health Association, and the US Food and Drug Administration. Over 800 environmental health specialists have received classroom and field training in standardization of food facility inspections to date.

Therefore, DHS recommends that all local agencies adopt the following policy:

1. No enforcement action (including notation on a written report) be taken against a food facility that does not maintain a copy of a report of an inspection conducted prior to January 1, 2001;
2. Food facilities that are found not in compliance with Section 113946(c) during the initial inspection conducted on or after January 1, 2001 be advised orally of the requirement to maintain a copy of their most recent inspection report at the food facility, and, if necessary, be provided with a sign similar to the one attached to this notice for posting at the facility;
3. The written notice should be standardized for use statewide. However, Section 113946(c) does not mandate specific wording, minimum type size, color, size or location of the notice. Facilities that do not use the attached example, or another notice approved by the local agency, must be evaluated on a case by case basis for compliance with Section 113946(c). The notice must be in the English language, but may also appear in other languages as desired by the food facility.

Section 113946(c) specifies that the purpose of the notice is to "advise patrons." Therefore, local agencies may require that the notice be posted in a location likely to be seen by patrons. The notice should be of a size and format that is reasonably conspicuous. The color of the lettering should be contrasting to the background (e.g. black letters on white paper.) The type font and size should be readable from several feet away by a person with normal vision. The notice should not be obscured by other signage or permits. DHS does not believe that Section 113946 (c) should be interpreted to require a notice at each table in a restaurant or on the menu. Where multiple food facilities under separate ownership operate in a common area (e.g. a "food court") each permitted facility must post a separate notice. In the case of a large supermarket or other large facility with multiple operations under single ownership, a single notice is required.

The DHS recommends the attached notice as an example of signage that complies with the posting requirements of Section 113946(c) when placed in a location likely to be read by patrons.

SB 180 does not provide for any exemption in the event that a local ordinance requires the posting of grades or other notification of inspections. The posting of the notice required by Section 113946 (c) is in addition to any posting of grades required by local ordinances.

Please note that this requirement applies to all food facilities, and is not specific to restaurants only.

Operation of "Outdoor Beverage Bars"

The California Conference of Directors of Environmental Health is developing guidelines for operation of outdoor beverage bars.

NOTICE

**THIS FACILITY IS INSPECTED BY
THE LOCAL ENVIRONMENTAL
HEALTH AGENCY.**

**A COPY OF THE MOST RECENT
ENVIRONMENTAL HEALTH
INSPECTION REPORT IS
AVAILABLE HERE FOR REVIEW
UPON REQUEST.**